

Board of Zoning Adjustment
Staff Report
August 15, 2016



Case No:	16VARIANCE1054
Request:	Proposed office buildings to exceed maximum height requirement
Project Name:	Blankenbaker Center II
Location:	11820 Ransom Drive
Owner:	Kentucky Property Investments, LLC
Applicant:	Pinnacle Properties of Louisville, LLC
Representative:	William B. Bardenwerper
Jurisdiction:	Middletown
Council District:	20 – Stuart Benson
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Variance from the Land Development Code 5.3.1.C.5, Table 5.3.1 to allow six proposed office buildings to exceed the maximum height requirement by 5 feet.

Location	Requirement	Request	Variance
Building height	25 ft.	30 ft.	5 ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This site is plan certain and the applicant has applied for a revised detailed district development plan review to be heard by the Land Development and Transportation committee on August 11th, 2016. The proposed development is for five 3,100 square foot 2-story office buildings and one 4,000 square foot 2-story office on three vacant parcels, located approximately a half mile north of I-64 just east of Blankenbaker Pkwy. The proposal includes 133 parking spaces and 53,788 square feet of vehicle use area. This site will be accessed from Blankenbaker Pkwy through the property to the west via a crossover access agreement along Ransom Drive. Ransom Drive then connects to the property to the north.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	OR, C-1	N
Proposed	Professional Offices	OR, C-1	N
Surrounding Properties			
North	Commercial, Offices	OR-2, C-1	N
South	Assisted Living Facility	R-4	N
East	Single Family Residential	R-5	N
West	Commercial	C-1, C-2	N

PREVIOUS CASES ON SITE

9-24-99: Rezoning for 815 Blankenbaker Pkwy from R-4, Single Family Residential to C-1, Commercial and OR, Office Residential for proposed Restaurant, Convenience/Gas Store, Medical and Office Condominiums.

17223: Rezoning for 815 Blankenbaker Pkwy & 11820 Ransum Drive from OR, Office Residential to C-1, Commercial and from OR, Office Residential to C-1, Commercial to permit auto sales, parking lot and offices.

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Land Development Code
Comprehensive Plan

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE from Section 5.3.1.C.5, Table 5.3.1

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare as proposed building height and spacing of the buildings will not impact any public health, safety or welfare issues, such as access to natural light or pedestrian and traffic access.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as the proposed scale is proportional to surrounding development.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as the proposed height is not imposing on the public right-of-way and is set back from Blankenbaker Pkwy over 300 feet. All required Landscape Buffer Areas are in compliance and the building closest to Single Family Residential will be screened appropriately.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the request is reasonable for an office condominium and is similar to surrounding development.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does NOT arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as there are no constraints or circumstances that call for a building taller than what is required.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would NOT deprive the applicant of the reasonable use of the land as it is possible to build offices on this site that are height compliant.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as this is a new proposal and it is possible to design the buildings in compliance with the code.

TECHNICAL REVIEW

- A Revised Detailed District Development Plan for this proposal under case number 16DEVPLAN1124 is scheduled to be heard at the LD&T meeting on August 11th.

STAFF CONCLUSIONS

Although it is possible to build offices on this site that are in compliance with the LDC, the variance request is reasonable and does not appear to adversely impact public health or cause a nuisance and is similar to surrounding development, therefore the variance appears to be adequately justified and meets the standard of review.

- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance established in the Land Development Code from section 5.3.1.C.5, Table 5.3.1 to allow the proposed office buildings to exceed the maximum height by 5 feet.

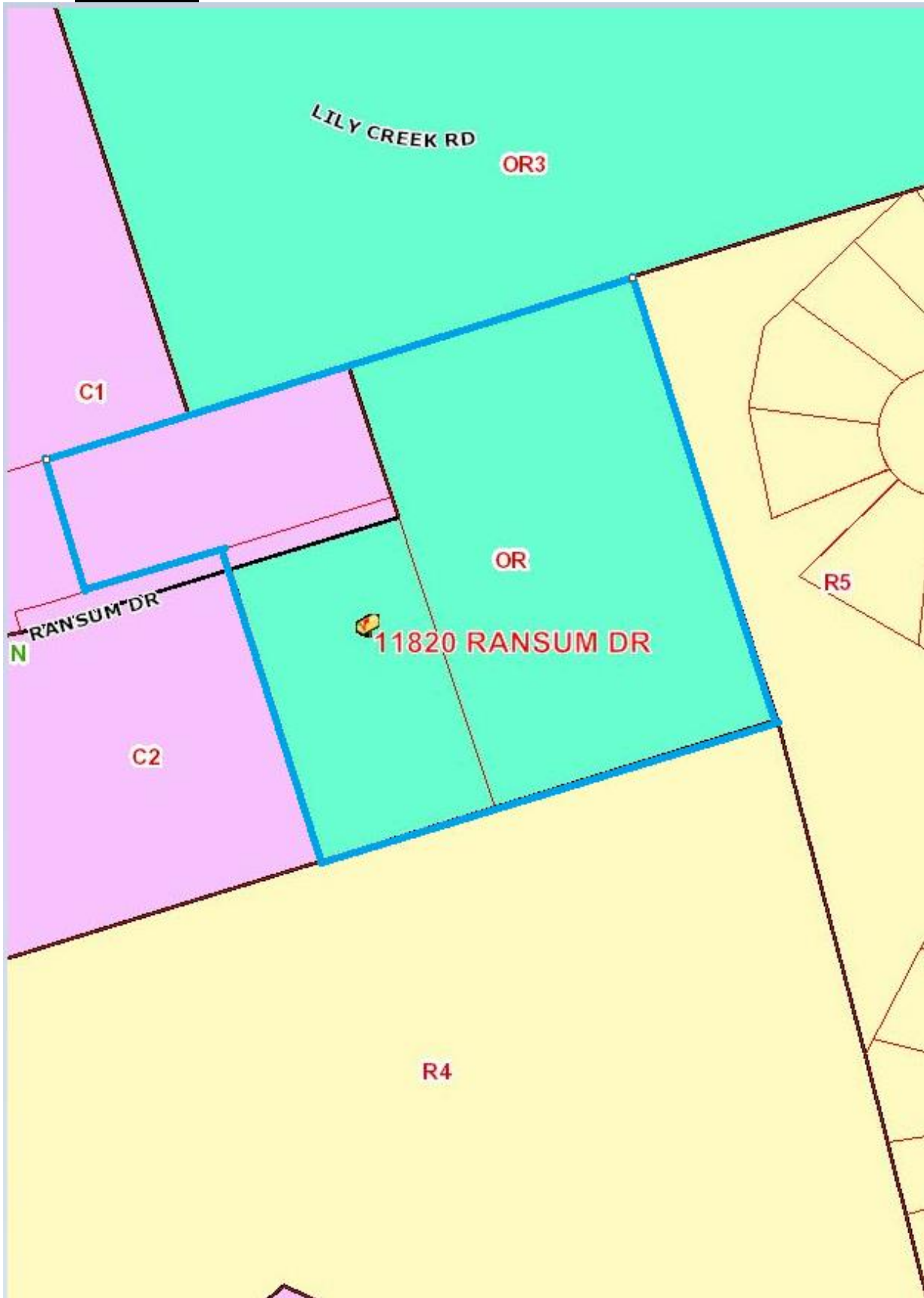
NOTIFICATION

Date	Purpose of Notice	Recipients
July 26, 2016	Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals
July 29, 2016	Sign Posting for BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

